GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF EMPLOYMENT SERVICES







GOVERNMENT OF THE DISTRICT OF COLUMBIA ANTHONY A. WILLIAMS, MAYOR

DEPARTMENT OF EMPLOYMENT SERVICES GREGORY P. IRISH, DIRECTOR

I. LEGISLATIVE AND REGULATORY REFERENCES

The Workforce Investment Act of 1998 (Public Law 105-220); the District Procurement Practices Act of 1985 (Section 908), as amended; D.C. Code Section 1-1189.8 (Supp. 1997); the Workforce Investment Act Policy Issuance No. 01-02 (D.C. Department of Employment Services); the Federal Regulations at 20 CFR Part 652 and Parts 660-671; the District of Columbia Municipal Regulations (DCMR), Chapter 27 (Contracts and Procurement); and the District of Columbia Five Year Strategic Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act.

II. BACKGROUND

- 1. The District of Columbia Department of Employment Services (DOES), in conjunction with the District of Columbia Workforce Investment Council (WIC), will maintain a list of training providers deemed eligible to provide training services to individuals under the authority of the Workforce Investment Act of 1998 (WIA).
- 2. Training providers will be selected through an open procurement process which will result in successful applicants entering into a Blanket Purchase Agreement with DOES.
- 3. The procurement solicitation document will clearly state the minimum requirements for qualifying for a Blanket Purchase Agreement.
- 4. All eligible training providers must be recertified on an annual basis, except in circumstances in which extensions have been granted or agreements lasting less than one year have been executed.

III. THE APPEALS PROCESS

1. Prospective training providers who are found ineligible for entering into a Blanket Purchase Agreement with DOES or are denied the annual recertification may file a written request for a hearing with the WIC within 30 calendar days of the finding of ineligibility or the denial of certification.

- 2. The WIC must hold the hearing within 30 calendar days of the receipt of the written request for a hearing.
- 3. The hearing must include a written explanation from DOES as to the reason(s) for the finding of ineligibility or the denial of recertification and a written appeal from the complainant explaining why the adverse decision should be reversed or a compromise established.
- 4. An attorney or other representative(s) of choice of the complainant may be present. Witnesses and documentary evidence may be presented. Records and documents relevant to the complaint and maintained by or for the District of Columbia in the course of business may be presented. All witnesses or parties to the issues of the complaint may be questioned. All testimony will be taken under oath.
- 5. The WIC shall issue a written decision within 10 calendar days of the date of the hearing. The decision may enumerate what steps must be taken by the complainant to establish or reestablish eligibility.
- 6. If the complainant is not satisfied with the decision of the WIC, a protest may be filed with the District of Columbia Contract Appeals Board pursuant to provisions of Section 908 of the District Procurement Practices Act of 1985, as amended. A copy of the protest shall be sent to the DOES Contracting Officer. A protest shall be filed within 10 working days of the date the complainant knew, or should have known, of the basis for the protest.

